

2/15

A.M.

Neil,

Here is the first draft (very rough)  
of the Colbest Public meeting. I sent  
only the comment ~~para~~ portion of the  
meeting. Please ignore spelling, etc.

I think you can get the flavor (main  
questions) from this draft. Will talk  
to you soon. I'm out of the  
office 2/15-16/89

Mike Blum

USEPA SF



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MS. SCHMIDT: At this point, we are going to take, oops I left my watch, about a three-minute break so that we can get set up to take the public comments. It gives you a minute or two to stretch and to, if you want to, if you decide now you want to make a comment, if you could just go back to the table and sign the card, so we can get your name and call you up if you haven't already done that. Again, we will ask later on if you would like to make comments, after other people have commented, so you can think about it. So about three minutes we will come back. Okay.

Let me set the ground rules for this public hearing, I guess we need to call it. I'm going to, I have a list of ten people here who have indicated they would like to make comment. We're going to ask that you not talk any longer than five minutes. Hopefully nobody wants to talk that long, but we'll see. Anyway, we're going to ask you to come up to the microphone here where I am standing and state your name and address. And then ask your question or make your comment and then either step to the side or sit down so that those of us on the panel could respond to your question. Unfortunately, we only have one microphone and we need to record this so that we can make sure that we get your comments clearly stated and can respond to them for the judge. If I call your name and you're not quite ready, indicate that you would like me to call on you again after I go through everybody. The first person is (b) (6).

(b) (6) Spokane, WA 99203: I'm going to be real easy. I don't have a comment, I just have a question. And I think maybe it's most appropriately directed to Mr. Blum. We've got an estimated

14 million dollars that this is to cost to cleanup and that's the basis for the formation of the consent decree, correct? What happens if it costs more than 14 million dollars to cleanup - what sort of provisions have been made and how is it proportionately distributed, for example, are KeyTronic and Fairchild Air Force Base by virtue of signing off on this decree, never going to have to pay more than what they are already committed to pay and if not, I don't know, are we talking general obligation bonds for the County taxpayers, or what? Just curious. Thanks.

MR. BLUM: Well, the 14 million dollar cleanup costs at this point is really just our best estimate; based on what we know needs to be done, what's been outlined here, and throughout this whole process. The way things are done, there is an existing liability dollar amount that goes with KeyTronics Corporation which is the 4.2 million dollars. There's also a dollar liability again for Fairchild Air Force Base that's, that was those were things that were negotiated, but more, those were decisions that were made and how the cost would be split up amongst the responsible parties. The State and the federal government did not say KeyTronics, you must pay 4.2 million dollars. We said to all of the parties that were involved, you have to determine how the cleanup costs are going to be split. And this is what was, what came out of this. We and EPA are contributing some money in this mixed funding. Now if, to get back to your question, if the costs exceed the 14 million dollars, the way things are set up right now, the County would pick up that additional costs. If the cost is 16 million dollars instead of 14, the County would pick up that additional 2 million dollars. Also, the State would be in for a portion of

that, in grant funding. Now, if the cost comes in at only 10 million dollars, or 12 million dollars, everybody else's dollar liability stays the same, and the County's share then gets reduced instead of 6.15 million, and maybe 4.15 million dollars. So there's a sort of a more of an open end that could either go up or down. Now how the County will finance this, that's something the County will have to address. Whether it's increased garbage rates or general obligation bonds, or something else, that's nothing that we're involved in.

(b) (6) Thank you.

MR. BLUM: You're welcome.

MS. RUSHIN: One additional...Mike talked a little bit about the reopener provision and I think, the comment he was making were based on the knowledge we have right now. If in fact something dramatically different that was unforeseen would be, you know, come up during any part of the remedial action, then the reopener provisions could kick in and in fact this situation could change.

MS. SCHMIDT: The next person I would like to call is (b) (6) No comment. Okay. Jim McDevitt.

JIM McDEVITT - (b) (6) - Spokane, WA 99201: Thank you. I'm Jim McDevitt and I'm the attorney for the Whitworth Water District. And, the Chairman of the District, Ed McDonald asked me to be here and to speak. Ed



is the President of the State Association of Sewer and Water Districts and he is in Olympia right now on District business and he asked me to be here and a couple of the commissioners and the manager of the district are back there as well. Whitworth Water District has a couple of comments and we would like to make those comments known for the record. And, of course, as you can well imagine, we will also file written comments as per the procedure. The comments or problems we have basically center around this free water supply that I keep hearing about, and I'm not really sure whether or not the documents bear that out. Whitworth as you well know is a municipal purveyor of water, six-thousand plus customers in the north Spokane area. The entire area of the cleanup, of the entire Colbert area, is within the critical water service area boundaries of Whitworth. And as such Whitworth then becomes the principal or the primary purveyor in that area. Whitworth has four concerns and I want these for the record and as I said, we will supplement the record. And the four concerns of Whitworth are as follows:

Number 1. All throughout this process, Whitworth has basically not been able to or invited to participate. And Whitworth views its' future role in the provision of an alternate water supply as one at least it views its' role as one that is relatively important. And I would have to, I understand there has been a lot of work done by a lot of people, by the EPA, by the DOE, by Mr. Blum, but in spite of numerous requests for participation by the Whitworth Water District, going back as early as early 1986, Whitworth has really been left in the dark until basically this has come out. So that's concern number one.

Concern number two is the discussion of the alternate water supply or alternate water source.

Concern number three is really the design standards and concern number four is really who's going to pay. I think I addressed the last concern and first concern already and that is that Whitworth really wouldn't probably be here tonight if we had been able to participate as to the level that we would like to participate and make our feelings known. With respect to the second problem, that is, who provides the water, and I keep hearing about the free water hookup to anybody who basically, because of either the chemical contamination or because of the action of the withdrawal systems, they will be allowed this hookup. The record of decision pretty clearly outlines that Whitworth will be the primary purveyor, or the purveyor, in this area in the event that the hookup to an alternate water source will be required. The consent decree however is not quite, does not quite read that way. The consent decree waffles a little bit and says either number one, you get bottled water on an interim basis and that, and I suppose in an emergency situation that's certainly doable, or number two, you hookup to Whitworth, or number three, you hookup to some other class four system. Well I'm here to say that that's really not an option. This entire area is within the critical water supply service area of Whitworth. As long as it is in the current critical water service supply of Whitworth, Whitworth can, and is, the only public water system that can serve within that area. You talk about hooking up to another class four system. By the WAC's, the class four system is a system that serves up to nine people and could go down to a minimum of one inch line sizes. A public water system as defined

by the Public Water Coordination Act, Chapter 70.116, is any system that supplies more than one individual home. The law is very very clear that within the external boundaries or within the boundaries such as this of an existing water system, no other water systems can basically go into, or become into being, until or unless the existing purveyor and that's in this case, Whitworth, says we cannot serve that particular system. So the...

MS. SCHMIDT: You have one minute.

MR. McDEVITT: Okay. So the notion that there can be other water systems within Whitworth's boundary...I don't know where that came from and that basically can't exist. The Department of Social and Health Services agrees with our position and has so said. The other thing and the other notion is the free water hookup. If Whitworth hooks up out there, and I realize I'm under a time constraint, if Whitworth hooks up out there, we're not going to hookup under a spaghetti system operation, in other words, were not going to run garden hoses to give you just the trickle that you lost. Whitworth is under federal, state, DSHS, and county regulations to put a municipal class one or better water system out there, which means minimum six inch mains and the like. What happened out there is maybe you had a well that was a Volkswagen and that Volkswagen has been taken away from you. And now if Whitworth hooks up, Whitworth is going to hook you up with a Chevrolet or Chrysler. And somebody's going to have to pay for the Chevrolet or Chrysler because we don't..we're not going to be giving away Volkswagens. Thanks.



MS. SCHMIDT: We can ask more comments from you later if you'd like to make it.

MR. McDEVITT: Sure. Sure.

MS. SCHMIDT: Do you want to respond to respond to that Mike or Carol?

MR. BLUM: Well I can attempt to respond to some of that. I can't respond to all of it. I don't have all the answers here right now. I would like to say thanks for your comments and concerns. A lot of the specifics are things that will have to be negotiated between Whitworth Water District and Spokane County who will be implementing this cleanup. There is an existing agreement between Whitworth Water District and Spokane County for hookups and some issues that have been discussed in the past and has been revised. I don't know the exact date, but more than a year ago, and it was put into effect probably two or three years ago, so there already is an existing system, or existing agreement, excuse me, between the water district and the County so a lot of these things are issues that the Water District will have to resolve with the County who will be implementing this. And we're not looking or requiring that a substandard system be put in, we're requiring a system that will replace the needs of what people have currently, existing supplies, quantities, clean water, those types of things, and to meet the existing regulations. Our best guess at this point that those homes that will need hookups to alternate water supplies are close to the existing system that's there. We're not, probably not looking at extending the system out to a whole new area that we don't currently

know about. So it should hopefully involve only just some additional connections and a lot of those issues of connections and costs have to be resolved between the water district and the County. And some of the other questions that you raised and comments will be responded to in the Responsiveness Summary. Thank you.

MR. McDEVITT: Thanks.

MS. SCHMIDT: I guess it's either (b) (6). Who gets the honors?

(b) (6) | (b) (6) Colbert, WA 99005: I'm (b) (6) from Colbert, Washington. I'm sorry so many people left because I'd like to have them here. My thank you to Mike, and the Department of Ecology, and all the people who I have met in EPA for the certificate. I was just very surprised and when you said I want you there, I should have known that there was a worm in the pile there. Thank you very much. And you all know that it isn't just me. We've had a very active committee for three years and I appreciate all of their support. I will also be sending a letter in addition to these verbal comments. Many of the people that we have been working with these last few weeks with regard to the Comment Period have expressed dismay in the 30-day comment period, not so much that it's a 30 day comment period, but that for whatever reason and I don't think anybody in particular is at fault, the document was not really available to us at the repositories until the 28th of January. So that cut short our access to the documents and I think in some cases, formed a

hardship on some folks in getting access to it and having ample time to review it before tonight. With regard to the responsiveness summary, my calculations show that between the end of next week, the 17th of February, and the end of February, which we hope to have the consent decree entered into court, there's seven week days, one of which is a holiday. My concern is, is there going to be enough time to prepare a comprehensive response to the comments tonight and that you will receive in the mail? Will there be enough time to allow a reasonable amount of time for us to review your response, if in fact that is what the policy is? And we do want to review it if possible. And will there be time in this seven day period to renegotiate anything if in fact that is something that has to be done? Because I do understand why your March 1st date is important. I'm curious to know what DSHS water supply standards for residents are, that are in effect now. And this is in Section 8, Page 1 of the Alternative Water Supply in the Scope of Work. Also in that section are comments regarding wells affected by the contamination at levels that we've heard about all evening. The part that bothers me is where it says, "wells that are in use prior to the date of entry of the consent decree". And I'm assuming what that means is that any well that is impacted, contaminated, or whatever, that well has to be in existence now. Has to be in use. In other words, if you go out next July and drill a well for your domestic purposes and it becomes contaminated at a later date, any time in the next twenty years, who's going to be liable to take care of that well? The time frame as we have already talked about tonight is two to four years before Phase II is going to be in operation and showing that it is successful. I don't feel that it's appropriate to limit the liability of the PLP's as to the date of



the entry of the consent decree. There are several areas in the site boundary, within the site boundary, that are not in Whitworth Water District. I'm not in Whitworth Water District. And if a person were to come, buy a piece of land in those areas and at a later date, that's the example that I'm trying to make, is that that well would not have the protection that my well has now. If my well becomes contaminated now or in the future, it will be protected under the consent decree agreements, but any future wells I understand it will not be and I don't think that's right because of this time frame that we're looking at before anything is proven with remedial action. I do take exception of the fact that if somebody comes in and drills a well right in the known area of contamination they should drill at their own risk and that the County and KeyTronics and the other folks should not be liable for that. I mean, you know, common sense should prevail there. One of the alternates to a hookup, if Whitworth Water does not get their way, is a new well. Would this well be in that, in that it would be drilled after the entry of the consent decree be, you know, taken care of if it became contaminated later on? I think there's a little loop hole there. I think there should be a continuing educational program for this problem. You know, if for the whole area, I think that with the contractors there is supposed to be a public relations program brought on and I think this could be a part of that of that public relations. Keeping the residents aware of the whole problem and not limit the well drilling, you know what I'm trying to say. The last thing I would like to say regards domestic well monitoring and I'm very pleased to see that the monitoring program that we developed in the last year and a half is to continue and I thank you very much for that, and you will get my

letter on this. It will make more sense.

MR. BLUM: Well let me see if the comments and concerns that you brought up, which ones I can address, Carol will address one of those and some of those may have to be left to the responsiveness summary. One of the items that you brought up in the beginning as far review of the comments in the responsiveness summary. Basically, once we've written our responsiveness summary, that document along with a copy of all the letters that are received, plus a recording or typed transcript of this meeting goes to the Judge. And then the judge looks at all those comments, he can read as many or as few of those letters as he wishes to. He will then make the decision saying, "yes, you received all these comments and I feel you've adequately addressed them", or "no, you need to go back and make these changes" or whether we make any of those changes beforehand to say "yes, we received a lot of comments and we need to go back and revise this one item or make it more clear". But the judge is the one who really makes the decision that yes you've addressed their concerns and you can go ahead. As far as the statements in the scope of work that talk about after entry of this consent decree, and dealing with new wells and contamination, I understand the concern...the only thing I can relate it to is as things move on and time passes, things progress, it would be like moving into an area that had just septic tanks and you had some property that you were interested in developing and then some time down the road, they put in a public sewer system to take care of problems from the septic tanks that are there and then there's a new ordinance that says that everybody that moves into the area must hook up to the public sewer system. This is the same type of

thing of people, new people, that move into the area or if you have some plans to develop some property, there is certain up-front costs that would be, if you're in areas of known contamination to hookup to a clean public water supply system so that people don't go into known areas and drill a well and then turn around and say hey, my well is contaminated, you know the day it's drilled, and expect to be provided a clean water supply system. As far as in areas outside of the contamination zone, people are certainly free to drill their wells if they wish. Until there is certainly some institutional controls that are put in place by the state, you know, people can still continue to drill - hopefully there will be some type of public education program so that people know where are the hot areas and say you can't drill in this area for a period of time until the remedial action or the cleanup is completed. A couple of the options that we have looked at as far as institutional control: one is something simple that's just to put a notice on property titles that just basically says this piece of property is an area of known contamination and you can't drill in this area until the remedial action or the cleanup is completed. And then after that time, yes, you could drill in the area. So someone can't move into the area, not talk to anybody around here, know nothing about Colbert and then drill a well and then have a contaminated well out there. There are some more formal processes that the State can go through. Several public hearings and create what are called groundwater management subareas. That says, for example, in the Colbert area here...nothing is done out here that it will work against us in trying to cleanup this process and cleanup the problem out here. Again, I think there will be, or we'll make sure, that there is some kind of continuing education process of news letters, there



will be news letters and fact sheets that will be coming out from the Department of Ecology and EPA. The County, I'm sure will be issuing their own, part of the contract that they will have with whoever does the work. We'll include some community relations but that's an activity that the State and EPA maintain the lead on, but I'm sure the County will do a lot of that to make sure the people are kept informed. We will be having more of these public meetings to get your input, to let you know what's going on. As far as the 30 day comment period, it's true, copies of the consent decree were not available in the beginning like it was stated in the newspaper. We did have some difficulties getting a copy originally from the Department of Justice. There was a copy available which really was, had limited access to people, that was with the Federal Court here in Spokane. When we did finally get some copies and to go to our printer and get them printed and mail them out and get them to the libraries, and all the repositories are listed on the front of your hand out of that yellow sheet, of where they are available. We do have some additional copies here. I can only say, "I'm sorry that copies were not available as soon as we hoped". There is still another eight days to submit comments. I would like to try and direct people to sent as many of your comments as you can by the 13th to the Department of Justice that's on the address on the handout and then the fact sheet, but also I would like to say that if you have some additional comments between the 13th and 17th go ahead and send to the Department of Ecology and should we receive some comment that's postmarked, and that's the cutoff, that its' got a postmark on it, on the 18th and it's a very good comment and it's very legitimate we will continue to consider that but I mean, I can't leave it open-ended and say well

anytime you want to submit a comment that's fine. But hopefully all the comments will come in as soon as you can get them in. And I'll leave one of these responses to Carol.

MS. RUSHIN: Actually Mike covered part of this, and it was with respect to the responsiveness summary and you mentioned renegotiating it. And one of the points that I wanted to try to clarify is all the comments that we get, that the Department of Justice receives and that the Attorney General receives after the 13th cutoff date. They will be presenting those comments to the Judge as they pertain to the areas we talked about. I mean there is certain obvious questions that will be summarized for him but comments, for example some of the ones that you said about wells outside the area of contamination that might be an issue in terms of equity. Those will be presented to the Judge. The attorneys will prepare a response for the Judge to read of why the decree isn't in essence the way it's written right now. It won't be...it's not our decision, it's not Ecology's decision and I think Mike brought this up. It'll be the judge's decision to look at your concerns and look at the responses and decide whether or not that provision needs to be changed in the decree. And that's why, in terms of the scope of comments, those are the sorts of comments he's going to be looking at. The other issues, and I'm sure there is a lot of them out here, some of them in terms of Whitworth Water District, are issues that are going to be resolved not necessarily in the scope of the decree, but in subsequent work plans or subsequent contracts. Those of course, and Mike did also bring this up, we're going to be having a continuing process and hopefully it will be an educational one. But to look at work plans to

get more input on the work plan as we're implementing the technical aspects that are in that scope of work. So there will be a give-and-take in terms of getting the input and making sure that we're informed of your concerns and hopefully can address them on those points. But in terms of the actual terms of the settlement, as you understand we all signed off on it and I have to commend the settlers in this case to coming forward and working real hard to get a decree so we can start this work. And it's those terms of settlement and whether the ROD itself is being implemented that the Judge is going to be looking at.

MS. SCHMIDT: The next person I have a card for is (b) (6)

(b) (6), Colbert, WA 99005: I'm (b) (6) and I live at (b) (6) in Colbert. I have a few comments, some are similar to (b) (6) so they don't require response. I'd just like you to know I have similar concern. I also have a concern about the lack of availability of the documents at the designated available locations. Until some of them on the 28th of January, and some of them on the 30th. I also have a similar concern in regard to the cutoff date for responsibility of water quality and the event of new wells being dug. That concern, for my husband and I in relation to our own property, has to do with future generations use of our land. Not necessarily our family but it could be our family. If we decided to divide up our property and our children wanted to build on it and dig, and have their own well and their water in the future became contaminated what would their, the protection for them be? The other comment I have to make has to do with the issue of the

ability to sell property in this area because of contaminated water. It's been something that has been discussed off and on but has not been really hit upon here. It is my opinion that there should be an option for individuals who have a need to sell property - who cannot sell property because of the stigma related to contaminated water and the actual contaminated water problem as far as people wanting to buy into an area where water is contaminated. The problem of course is for present owners who may need to move, have no options but at the same time cannot sell. It would be our hope that there would be an opportunity for individuals who cannot sell due to the contaminated water issue, that they would have the opportunity to be hooked up to clean and safe water so that they can indeed sell their property. So the individuals who would want to buy the home, if the property were guaranteed safe water, could do so. So the fact that your looking at also the idea of labeling property titles is even more a stigma so that someone were to look into the idea of buying property in an area and immediately saw that a property title was labeled with big flashing red lights, no one would in their right mind buy property in that area. So if we're looking at a ten to twenty year time frame before we think that water might, the area might be considered safe, that makes me awfully ill. I don't want to talk about my age, but twenty years from now I would hate to think that if in my retirement I wanted to leave where I am that I couldn't do so because I'm saddled with property I cannot sell. So those are my comments. Thank you.

MR. BLUM: Thank you (b) (6) . I'll just make the responses pretty short here since a lot of them I covered from (b) (6) comments that came

up earlier. I guess one of the...the main issue is there's a lot of things that are going to be going on out here and that will continue in the future. As I mentioned the consent decree and scope of work are really dealing with the problem as we know it today. Our crystal ball wasn't working very well to look out into the future to know who wants to move here, what's going to happen, how fast things are going to go and as there has been already, there's a number of third party agreements, lawsuits, settlements that are happening, or have happened, or are pending to happen. But my guess will probably continue into the future so some of the issues about selling properties and the difficulties may have to be handled through that avenue. As far as what the state might do to identify the area...I mean we want to get people's input. If the idea of notice on property titles is very objectionable to people then we may say let's not do that, let's do something different that will be acceptable to a greater percentage of the people. We probably won't satisfy everybody all of the time. I think that's really it. I think we covered the other comments.

Okay one of the issues...and let's see if I get this correct about the groundwater being safe at sometime in the future. I mean there will be continued monitoring through this groundwater monitoring program that will continue the whole time of the remedial action, or the cleanup is taking place, so if it takes twenty years there will be continued monitoring of those existing water supplies that are there, and if there is new people that should come into the area and they're outside of the existing plume but the plume is moving in that direction they...and they were to drill themselves a well, they would be included into that monitoring program.



It's not like well its after that time period so you don't count. You know, those people will be included in the monitoring program.

MS. SCHMIDT: The next people are (b) (6). (Not Present). Okay. (b) (6)

(b) (6) - (b) (6), Spokane, WA 99216: My name is (b) (6). I'm a Commissioner of Spokane County Water District #3 which you may not be aware of. It used to be called Spokane Suburban Water. We're late comers to this whole thing because we had to go through condemnation and it took about four years to do all this, so we've been in business six months. Whitworth talks about where they are and we had our same sort of concerns because they are not the only purveyor in this area. Colbert Landfill is right here and we supply water here in Chatteroy Hills, okay? So we're not sure of free water but on the other hand one of our larger concerns is that the plan is, as we understand it, is that you will be pumping water out of the ground, treating it, and then putting that into the Little Spokane River. I have to assume, but I have to be guaranteed, that the water that is going in there is going to be uncontaminated and the reason being is that water systems that we also supply are here at Colbert and at Pine River Park and in the Mead area, and a couple of these where our wells are, are tied hydraulically to Little Spokane River. Obviously when you're pumping as much water as we are, where a single domestic well will not pump the kinds of rates we do, you can suck in the contaminants that are normally not there. I mean, are there but are not being extracted. We're having that kind of a problem in the Mead area from the Trentwood Plant,

okay. So, I just wanted to get those comments out and I can't say that you haven't contacted us because we really didn't exist. Or we existed and we were Water District and Commissioner with no water, as I used to put it. But we would certainly like to be included, because obviously, our well which sits right here at this point, with a landfill here, is very close to parts of the area that you're discussing, okay.

MR. BLUM: Thank you (b)(6) A couple of the points that were brought out and one of them is a pretty easy one to answer. Yes, the water that will be discharged in the Little Spokane River will be clean. It will meet the performance standards as protective of the environment for the critters that are living in the stream, or people that may make use of the stream for recreational purposes: fishing, swimming, those type of things. Our best guess at this point that the water that will be discharged to the Little Spokane River will show minimal, if any, contamination at all. I mean, we're hoping there will be zeros when we get our lab data back from the discharges, and there will be some monitoring downstream to make sure if there is something that is coming out of the pipe, and that's where initially we will be monitoring. It's what comes out of the pipe, not down river where we have to factor in dilution. One other short point without getting to technical is the Little Spokane River is what's called a gaining stream. The groundwater in this area discharges to the Little Spokane River and that's where the water goes to. If the aquifers were not there, the Little Spokane River would be much smaller than it currently is. There is the impact of a larger production well that may influence that, but hopefully, the limited amount, if any, that will show up from the

discharge... things being further downstream, and also the aquifer being discharging into the Little Spokane River, we won't see any impacts at all.

MS. SCHMIDT: The next person is (b) (6). They left, okay. (b) (6).

(b) (6) Chatteroy, WA 99003: I have a number of questions that I'm going to ask you, but first, I sent you a letter, and if this water is going to be pure enough and you're going to pump it, I would like to have it for irrigation as long as it won't contaminate the fruit or any of the edible foods that the people are going to have and if it's good enough to pump on the fruit it's good enough...it should be able to put where we can irrigate with it and things. Okay. That would help me with soil erosion and a number of things. Now here comes some questions. Now this old County dump out here...right across from the Colbert Landfill has everything in it. There was times that you couldn't come anywhere near that place because it stunk so bad. And I think there's quite a few of them here that know about that. And when that land was sold I had a realtor do a little investigation and there was nothing on the titles. Now, we're coming back to Kaiser Aluminum. I object to the air coming out over the bluff. If you're going to have these chemicals coming out, you're going to have to scrub them chemicals, rather than the rain and the wind contaminating the area so that we will wind up like we did with Kaiser with 120 parts per million fluoride. What happens if this gas is pumped up into the air? To a person where they are around...to their health? Are we going to have to wait twenty years or are they going to put out free burials, or what, to these people when this stuff comes up. Because if

this gas is carcinogenic it's sure going to cause cancer someplace to somebody. I thank you.

MR. BLUM: Thank you for your comments (b) (6). We did receive your letter, just to let you know it made it through the mail system. As far as the irrigation issue, that's something that you, or anybody else, that sees some need or use for that water, since it will be clean, to make use of it rather than discharging it into the Little Spokane River. So if there is somebody that has...can make some use of it, or use a portion of, it because it's going to be large volumes of water coming out of these different extraction well systems, and it's not going to cause any adverse impacts to what we're trying to do out here, you know, all the better. Instead of having to draw more groundwater from a different location. As far as the old County dump goes, I believe there was some limited investigation in the study that we did, looking, or at least in areas near the Old Township Dump, and the chemicals that we have found related to the new Colbert Landfill, or the now closed Colbert Landfill, and based on the record searches that we did from all the companies that have used it, show connections between the two. Certainly if we find some problems going to the Old Township Dump, you know, that's going to be a new site. It's going to compound the problems because it's just across the street from it, and as groundwater flows its downgradient. So we may have to take another look and see what exactly has been done as far as the Old Township Dump goes. As far as the discharge of the chemicals into the air, the levels that we will allow to be discharged will meet certain health protection levels. Three of the chemicals of the six are your known or potential carcinogens,

the other three like the trichloroethane is not a carcinogen. We will certainly make sure that what's being discharged isn't going to cause health problems because what we don't want to do is to transfer the problem from groundwater and just put into the air. So we're certainly going to make sure that that doesn't happen. One of the things that does happen, at least on sunny days, ultraviolet light from the sun does degrade the chemicals so it does have some break down of those chemicals. And based on the weather data that we'll be collecting will determine where it goes, who lives in those areas, who could be potentially impacted. And health protection levels are set based on sensitive populations - not just the the hardy eighteen year old that can abuse their system, but we're looking at those that are more impacted by it that have certain health concerns. So we're going to try and do everything that we can to make sure that we're not transferring the problem from the groundwater and just putting it into the air so it doesn't come back down and cause some problems on down the road.

MS. SCHMIDT: Last card I have is (b) (6). (Not present.) At this time I would like to open it up to anyone who did not fill out a card. And if you could come forward and state your name and address for the record and ask your question. And again, you are also limited to the five minutes, to the best of my ability to keep track of it.

(b) (6), Colbert, WA 99005: Just a question I would like to ask. I thrashed through that consent decree and I could never find anything that said that we were...would be allowed to keep

our existing wells to use after hookup with Whitworth Water. Thank you.

MR. BLUM: Thank you (b) (6). I don't think that the consent decree or the scope of work really addresses that issue. There was never any intention in the past or now, or as far as I know, into the future, to prevent people from continuing to use their existing well if they wish to, if they're hooked up to the public water supply system. That they can continue to use their well for irrigation purposes...in the feasibility study we looked at are there problems of using this water, damage to crops, you know, harmful to cattle, horses, you know, other livestock and based on the feasibility study we determined there was no known impacts from using that water. So if you're hooked up to a public water supply system because of contamination or supply problems, or...and everybody has this option, you can hook yourselves up to the public water supply system. If you don't feel comfortable with what's being done you can pay that cost to Whitworth Water District to be hooked up to the system. But you can continue to use your well for irrigating or watering your lawns during the summer time. One thing that would be a requirement, that my understanding is in the hookup policy, is if you're continuing to use your existing well for irrigation purposes and you've got a...the public water supply, if it's Whitworth that comes into your home, they will put on what's called a back-flow preventer on the system between your well and the house to make sure that during low pressure times that you don't start sucking water from your well into your home or that goes into the rest of the system and starts feeding to everybody else. So that's something that would be done, so there was no intention to eliminate the use of private wells for irrigation purposes.

MS. SCHMIDT: Do I have any more questions from the floor?

(b) (6) Chatteroy, WA: My name is (b) (6) and I'm from Chatteroy. I haven't been involved in this, basically I have ignored it. (b) (6)

I have been aware of it but it hasn't affected me and that's probably my own lack of concern because of that reason that I haven't been involved. But I have eleven questions here and most of them...they're probably pretty short, and I will submit them in writing also, but I just wanted to maybe generate some interest from the people that are still remaining in the meeting here. The first one, and I'll go through them rather quickly... I was wondering if any risk assessment has been made to the contaminants being disbursed into the atmosphere...if that's been studied in detail or if that's...with your air stripping process...if that's just a tentative plan at this point. I was wondering why haven't any monitoring wells been installed for better tracking of the contaminated plume. It seems to me that with the 14 million dollar cost analysis that you have done you would need a lot better control on exactly where the plume is, what its got, whether its got into the Little Spokane River or how close it is. What the hydrologic conditions are in the area before you could get that 14 million dollar figure. It seems ridiculous, not against you, but it seems ridiculous to try and assess that cost without having real detailed information. I was wondering who generated the cost analysis. Also I wondering what the comparable efficiencies of the air stripping process which I noticed in a previous news letter that you put out - one of the disadvantages to that is it does disburse pollutants into the air. I was



wondering what the comparable efficiencies are between that and the chemical oxidation which doesn't, to my knowledge, throw the contaminants into the air, and what the cost comparison of the two are. My fifth question is, I was wondering what the percentage of the identified pollutants were the result of the primary polluters, which is the Air Force and KeyTronics. What percentage they dumped and how that's relative to the percentage of their...that they're paying to clean it up. It seems to me that...and I wrote a letter to the paper earlier...that they're paying like 40% of the cleanup costs and it appears...and I'm not a chemist so I don't know...but it appears that they got a larger responsibility for the chemicals that we are trying to cleanup then they are actually paying for. It seems the County residents and the state and federal taxpayers are paying far more than their share in this case. The water quality standards, number 6, have been discussed in the...and defined...and I was wondering if these standards, not only for water, but for air, have been constant throughout the years for the chemicals that you are looking at, or if in fact through studies on carcinogenic effects of these chemicals, if these standards are in fact lowering, and if those future changes in the standards have been factored into the cost analysis that's been done. Number, I skipped one there but...I was wondering if any extraction and containment of the contaminants from the groundwater, i.e., into an evaporative pond have been discussed for the four years its going to take to have this remedial system in place. If you could maybe pump the groundwater, contain the contaminant so that it doesn't spread any farther by pumping it into a lined and sealed evaporation pond so at least you could stop the expansion of this plume...if that has ever been discussed or



looked at by the EPA or DOE. I'm getting close to the end here.

MS. SCHMIDT: You have one more minute.

(b) (6) Okay. I was wondering what the effect would be of this issue if for some reason you can't get it done in time and it would...were to fall over into the Initiative, I believe it's 97, that the state's passed. Would the primary polluters be required to pay a larger percentage for their contribution to the pollution? I was wondering what the purpose of the covenant not to sue was...if the pollution is cleaned up there's no need for further acts against these companies - why do they want the out...why do they want to be shielded against any further actions? I don't think that they should be. I think that they should have the liability because they put the chemical there in the first place. Any my final question...is the Little Spokane River being continually monitored for any contamination at...you know, all along where the contaminants will flow into it? And does it now have traces of these pollutants leaching into it? I noticed in one of your news letters earlier that it appears that the...one of the...can't remember if it is one of the lower or upper aquifer, can in fact go into the Little Spokane River, travel along the Little Spokane River and then be reinjected back into the groundwater. It appears that there's an influent portion down by Shady Slope area where it can,,in fact, go back into the groundwater system.

MS. RUSHIN: One of the questions that came up was the air monitoring again, and in terms of the activities that we do do at Superfund sites,

when there are discharges that there are not specific standards that set up, such as some of these air emissions that there seems to be a great deal of concern about. We will be doing monitoring during pilot tests and also then, modeling, and we do do risk assessments on them and we have people within the agency who can...who are actually national experts on air emissions who can help us model and determine whether in fact these emissions would come into a quote "safe level" or not. And that will be done. I think the point you brought about the County picking up the larger share...that's definitely a comment in terms of the settlement provisions that we need to address. The issue though, just in terms partial responses that if, in fact, neither Ecology nor the EPA set up those percentage shares. That was basically a discussion amongst the settlers as to relative points of liability. So it wasn't...it's a very difficult situation and all these mixed...what we call mixed funding sources agreements...how do you define liability, how do you define percentage share. It's very easy if everyone is a generator and you can just sort of do a volume method distribution. We have all kinds of nice models for that. But when different parties have different points of contribution, be they owner/operator or generator, it gets a little more difficult to assess that. And the last one I wanted to take a shot at in addressing was the future changes in standards. One of the provisions that we have in our Superfund laws, amended by SARA, is the provision for ARAR's, which are basically the laws that are applicable, relevant and appropriate. We define those in our record of decision, and that's with our known set of parameters, where the regulations, what are the concerns. We also take a view of what we have...what we call, to be considered. Those sorts of

health affects that we know, now which can change. There is a possibility, if in fact, when we look at the remedy, on any remedy, that we're doing under Superfund site and there's either a provision that a standard comes up that is more protective public health and the environment, or if it's just a to be considered in terms of a potency factor and a risk assessment. We would be viewing those in terms of those remedies and we do go back to them at a minimum of every five years. But I think that one of the points that Mike brought up in his presentation are that most of the situations that you have here, there is already been a safety factor applied to those discharges and I think that you would see that you will be monitoring those continually to make sure that they are protected and if there was a change there would be some additional work that would need to be done.

MR. BLUM: Okay. I'll try and hit the other points if I can remember them all. I've got them all done here. As far as the question of monitor wells. There are currently ten groundwater monitoring wells that were installed by a contractor to Ecology during the remedial investigation phase. And different areas on the landfill or surrounding the landfill, those are all...some of them are completed in both the shallow and deep aquifers so you might have one point where we could monitor both aquifers. We're lucky, and also in the same breath, we're unlucky that there's a lot of private wells in this area. We've been able to use those private wells as monitoring points to determine where is the contamination, what's the concentration, how far has it spread...and that's also been very helpful in drawing these maps. There will be, through the additional phases through this limited investigation that's going to go further refine where the

plumes are, there will be more monitoring wells installed 'cause there's certain areas that you can look on those maps where there aren't little triangles or circles, or whatever the figures are, for the different types of wells, where there's a lot of blank spaces and we need to fill in some of those holes because we don't have private wells or monitor wells. So we have made use of private wells a lot in this investigation to try and map out where things are going, and we'll continue to install more monitoring wells. And the monitor wells to determine the effectiveness of the cleanup. As far as who generated the cost analysis, the 14 million dollars, there were costs that were generated for numerous options in the feasibility study and we do have copies or they are available for review at the libraries, that looked at the different options, they looked at air stripping, they looked at chemical oxidation, they looked at ultraviolet ozone degradation, they looked at the option of doing nothing - just monitoring the plume, they looked at sorted no treatment, no containments of the plume - just hooking everybody up to a public water supply system. And that's how we came to the conclusion that as far as protecting public health, protecting the environment, being cost effective, being known technologies, being available technologies, things that are fairly easy to operate and maintain, that's how we came down to the decision as far as air stripping. We'll meet all those requirements and we'll also be cost effective. They may determine during the pilot study that some other form of treatment is a better option. Or it may be required. They may need to some kind of treatment of the air discharge. So, there were cost analyses that came of the feasibility study which are available, and also during the negotiation process there was a engineering consultant that was working

with the County during the negotiations, that was also helping to develop cost figures based on what we're negotiating and the things that we're requiring. What is the cost of doing that? You know, if we put in six extraction wells in the southern end - what is that cost? And adding those things up and treatment costs come up with those numbers. And then the State and EPA looked at those costs and said, "yeah, we think those are reasonable and we agree", so that's where the costs came from. As far as the efficiency of air stripping versus chemical oxidation, again, that was really looked at during the feasibility study to compare the different options and alternatives to find out which is going to be the best system out here and cause the least operational problems. So that was taken care of during the feasibility study. As far as water quality standards - have they always been constant - no they haven't as far as drinking water standards. For the chemicals that are out there in existence and common use we have a small number, honestly, that we have existing standards for, and there's a lot we don't have standards for. There's some standards for the existing six chemicals that we're dealing with here and there's a few of them that were shown on one of the overheads as listed as MAC's, which is maximum allowable concentration - which were numbers that were derived based on health impacts and different concentrations, and we set some standards for those chemicals because there weren't any that we could go to a book and say, "there's a number here like for TCA that's 200 or some of the others", trichlorethylene where there is an existing drinking water standard. For example TCA...I don't know how many years ago the standard, which was a suggested standard, was a 1000 parts per billion. As times' gone by and we've learned more, the standard has gone down to 200. And we



don't know what's going to happen in the future - whether we'll learn more and the standards will go down, or we'll learn more the standards may go up again. To say well, no, this is really over-protective and we don't need to provide this extra margin of safety. You know, we can have enough margin of safety to reduce most of the risk out of it by raising a number, or if it has to go down and as Carol mentioned, some of those will be covered in reopeners through the consent decree. As far as water quality standards changing for discharges, or discharges to the atmosphere, and those things factored in the cost analysis - no we haven't done that. We've...it mean it's been looked at a little bit, but we couldn't put numbers on it because all we know is what are the regulations today. We don't know what the regulations will be in five years or ten years to then say, well, if the numbers get reduced by half, the cost is going to go up 30%. Again, our crystal ball doesn't work to do those things. All we can go on is what the existing standard is today. As far as pumping water into a holding pond during this time period - I forget the exact volumes that we're talking about...my recollection is that we were looking at a couple million gallons per day being discharged from these systems, so if you look at that over two years...I mean that's going to be an awfully large holding pond...so it's not really possible to do that because that would take up a lot of land space to do that, certainly to have a lined facility to hold it into - just the sheer volume is something that we just couldn't do, and then there would be a lot of money and time spent on that rather than trying to get to the cleanup. Also when the pilot treatment system and large diameter extraction wells goes in it'll be in operation for a period of time to get the information we need to do the final design work and to

check our assumptions, or the County's assumptions, of what's going to be done out here. If it looks like it's working, probably that small scale system will remain in place and continue to operate while the final design is going on - it will be continued to be monitored so that it will have some impact on slowing down or stopping some of the migration. It won't stop it all but it will be something out there that will be working in the interim. As far as after March 1st when the Initiative 97 goes into effect; as far as the existing parties having to pay larger shares or different shares, again, things won't really change - these numbers that were generated here were decisions made amongst the parties that were involved in...that are going to be doing...funding the cleanup. It's not a decision that the State or EPA made so, under the Initiative, to the best of my recollection no one would end up paying a greater percentage. The percentage shares wouldn't change at all - that's something they have determined amongst themselves. As far as the covenant not to sue - why there's this out, as I think you described it here, there is some assurances that people that are involved in these cleanups want to know, "when is the end. When have I done everything I need to do". We've had to give them some assurance and say well there is actually an end-date to this so that they know what their existing liability is - whether it's Fairchild Air Force Base that's putting money into it so they know if we contribute our share of the costs and the cleanup gets done, this problem for us is over with. Same with KeyTronics - they want to know what their financial burden is and...so they can tell their stockholders and the Corporation knows they have to pay a certain amount, as well as the County wants to know when are they done? And at some point once they've reached

that end and we give them a covenant not to sue, then the responsibility would then tend to fall back if something happened again...you know, it may fall back to the State or the Federal government because we've said okay you've done everything you agreed to to do. So there has to be some end date in this agreement. And the last item as far as monitoring the Little Spokane River - if I remember the question correctly - yes, we will be monitoring the Little Spokane River. Initially, we will be monitoring the discharge pipe that goes into the Spokane River so we'll know...here's the actual contaminant concentrations that are coming out of the pipe - there will be some monitoring of the river downstream to make sure if we're able to see it at the pipe at low levels. Are we able to see it downstream? Is there any other impacts to other water supplies? And we're not aware of anybody that uses the Little Spokane River itself as a surface water supply for drinking water purposes - they may use it for irrigation. The other point is the water is in the Little Spokane River and it's turbulent... since the chemicals are volatile they will evaporate easily. There will be some additional treatment of that water, and certainly any groundwater, that gets into the Little Spokane River. As it travels down the river it will volatilize or evaporate and go up into the atmosphere. As far as knowing whether things have gotten to the river based on the sampling that we've done from the existing monitoring wells or private wells - to the best of our ability we don't think it's gotten to the Little Spokane River but we will be...like I mentioned earlier...installing some monitor wells to determine has it gotten there and that will determine where we have to place the extraction system. On the western side of the deep aquifer plume. Since that aquifer is basically flowing generally west, towards the

Little Spokane River and the shallow plume, the long skinny one, is basically flowing south and both of those will eventually discharge into the Little Spokane River, so what we're doing with our extraction system is basically intercepting the water early and then discharging it to the river. If we did nothing it would continue to flow and it would eventually end up in the river. I think I covered all the questions. Thank you.

MS. SCHMIDT: Okay. I was going to ask any more questions.

(b) (6) , Colbert, W 99005: I just have one question. You said there'd be 2 million gallons of water that's going to go into the Little Spokane. That's an awful lot of water and I know some of that water will eventually go into the Little Spokane. You know, that's the way it goes, but won't 2 million gallons in a day's time cause at least some of the river to flood, at least in the low lands?

MR. BLUM: Okay, we looked at this question and concern that's come up before in the feasibility study I think, and also in the remedial investigation. As far as that number, I think that's correct, I'm not sure but I don't have the report here. We looked at it and compared it to the flows in the river and determined that during normal flows or...let me start again - during low flow periods, the contribution from these existing extraction systems that will be discharged, is approximately four percent of the flow of the river. Again, what we're doing is intercepting the water early and putting it into the river at a slightly different location than would where naturally discharge. So during low flow periods in the

fall, late summer, we won't cause any flooding to occur. During high flow periods, the percentage is approximately two percent of that flow. And we've talked to people in our regional office here in Spokane because there is a gauging station that's operated by the Geological Survey that's at...can't remember the crossing...the bridge crossing. Darkford? Crossing. There is a gauging station where they've looked at flows and the percentage... a two percent increase would not, to the best of our knowledge, cause any flooding problems and that's based on a river flow rate that's much lower than what they've seen in the past, or just recently, during the fall. Where again, it didn't cause any extensive flooding, there's some very low lying areas that had some flooding problems but this percentage would be pretty small. The other option that we have, and would probably be done, is if the river is at a such a high stage that it's causing flooding problems, the system can be shut off for a period of time. If it's a few days, or a week period, it's not going to cause major impacts and everything is not going to get loose. We're not adding that two percent or one percent or whatever it is, so that if there is already an existing problem, we're not going to make things any worse. We do have that option to shut off the system during...you know, flood periods of the river. And one last point is as far as the flooding, and this question has come up a number of times, a lot of this is based on our best assumptions and our knowledge of the conditions out here and a lot of it we don't...we can't say 100 percent for sure until the system is in, and operational, and we're discharging water to say yes, it does cause flooding problems or, no, it doesn't, but certainly our best guess is that it will not cause any problems.

MS. SCHMIDT: Before I get to (b) (6), is there anyone who has not spoken yet that would like to ask a question? Sure.

(b) (6), Colbert, WA 99005: My name is (b) (6) and I'm presently (b) (6), or...I'm sorry, (b) (6). I served with Colbert so long I almost forgot. I live at (b) (6) in Colbert and I just have three things that I would like to touch on. I've expressed them before and I would like to express them again. I really...really bothers me the time...period of time, to get to when this problem first surfaced, in about 1980 until now, and we're still going to wait another two to four years before anything is really done other than giving these people bottled water and a few others have gotten hookups. I really think that's a shame in my estimation. If it's taken this long for the wheels of bureaucracy to move as fast as everything else moves today, and another thing that I would like to touch on is, yes, I believe something should be done about the contamination but in all this period of time, and now they're going to spend 14 million dollars - mostly just to try to cleanup the water that's down in this aquifer. I could see 14 million dollars, or a good portion of that, much better spent to give the whole area out there a good water system. The problem would be over, people's land values would go back up, and it would cure a lot of the problems. Another...the last thing I have to touch on is...we were in Kansas City at a National Water Works Association Convention and the type of system that you're proposing to use out there, we were told in Kansas City at the convention this type of system was outdated a long time ago and here you're putting in a system that is

outdated. I can't understand that and I thought, really, more investigation would have gone into it because I touched on this at one of the meetings beforehand. Thank you.

MR. BLUM: Okay, let me see if I can address these...the comments and concerns that you have. As far as the time it's taken from 1980 when the problem was first discovered or reported by a citizen that from my understanding lived across from the landfill - and why it's taken so long to do these investigations and feasibility study. There was an initial investigation that was done by the County, one of their contractors that did some initial investigation. It takes a long time to go through this process, to go through various seasons to do the monitoring to see that conditions don't change, the groundwater doesn't move different directions during different seasons of the year as there's less or more precipitation falling that's recharging or adding to the aquifers. It is a frustrating problem to see how long it takes to do this. We're trying to move as quickly as we can, but we also want to make sure that we're covering all the bases here and that we're going to do the right thing the first time and that we don't rush out there to try and solve a problem based on what we think it is and end up that it doesn't solve the problem and makes things worse. Or we invested a lot of time and money and we got to go back and fix it again. So we...it does take some time to go through the investigation through the remedial investigation that was done here; to go through the feasibility study to look at all the different options and see which ones are going to work. As far as air stripping being an outdated technology - air stripping is continuing to be used, some systems were



installed within the last few years in the Tacoma area that involved air stripping. There still be used, so it's technology that's been around for a while, it doesn't mean that it's outdated and it doesn't work. It works very well. Again, we looked at this to try and find out what's going to be cost effective and what will solve the problem and something that isn't so new and innovative and high-tech that it's going to take, you know, a lot of money and time to try and find an operator to operate it and it's so complex. There are systems like that that exist, so again, it's going to be based on the discharges into the air - will the air stripping be the treatment system of choice, or will it involve some other type of treatment system? As far as spending money to cleanup the water and why we're spending 14 million dollars to do this - the State has some things that we have to do and one of those is protecting waters of the State. That includes groundwater and surface waters from contamination problems. We can't really say, let's just leave this thing go because more of the aquifer will become contaminated and unusable as a drinking water supply. Also, the water will eventually discharge into the Little Spokane River and we have to look at the environmental issues and see how's this going to impact the surface waters and the environment and the critters that live in the water. Also, we did look at the option...as I mentioned earlier...of doing nothing to stop the contamination, continue to monitor to see where it's going and hook everybody up to a clean water supply that needs to be hooked up. Where as contamination plume moves, more and more people will have to be hooked up to the system and that was a more costly option then to try and stop the plume from moving and to hook those people up that needed to be hooked up. If my recollection serves me proper, it was about

twelve to fourteen million dollars to try and stop the movement of the plume and hook up those that needed to be hooked up. Just to monitor and hook everybody up and do nothing to stop it was approximately seventeen million dollars, so it was more cost effective to try and stop the plume. Part of our obligation is to protect the waters of the State, so that's why we've chosen this alternative.

MS. SCHMIDT: Any one else that would like to make a comment? Okay, (b) (6)

(b) (6) : I forgot to ask this question before, Mike. Is there a hearing date established yet or will you be able to tell us that later? As I recall in reading the consent decree here with regards to the covenant not to sue on Page 51, that pertains...if I'm correct, between the State of Washington and the parties that signed the consent decree. There's...it takes nothing away from us. It does not take our right away to, at any time, if we feel we're damaged, to file a lawsuit. I don't know if that's what you meant...if it takes away our right or not, but as I understand it, the covenant not to sue is between the parties that signed this document. I have an extra set of the remedial investigation, feasibility study and the ROD, if you would like to have that to borrow, I'm like the lending library of Colbert and I just happen to have one more set. I forgot to give you my phone number and you can take it and I don't care if I ever see it again. With regard to the impact on the Little Spokane River - I hate to act like I'm an authority on here...I'm really not, but when Whitworth Water drilled their new well down by Pine River Park, they ran an eight-hour test, I believe, Herb, at four and five thousand gallons a

minute and they...Geological Survey people monitored that at Dartford Road and they did not see any adverse impact on the river at all. Four or five thousand gallons a minute is more than they're going to put in a day. I did the math on that but I don't know what it is, but it was comparable and they didn't see any impact down there. However, I can understand where we are concerned because we so far up river, what's going to happen on down. But I do not know if you were aware that a new well and when it was drilled and that test was done, last summer I believe.

MR. BLUM: Okay, a couple quick responses to these comments and concerns. Currently we do have a tentative date set for February 27th, with Judge McNichol here in Spokane, at Federal District Court, to present the consent decree and the scope of work. He will have already had the...oh, get the responsiveness summary and all the written comments to then make the decision. If we miss the date, we can't respond to all the comments and that time frame, then we're going to have to delay that and do it at a later date. Should we go past the March 1st as our sort of goal to reach this, we will have to go back and do some revisions to this consent decree because this all refers to the current hazardous waste cleanup laws for the state. The federal law won't change at all between now and the 1st of March. But based on the citizen's Initiative, we will have to go back and revise this and make references to it. As I mentioned earlier, this was written sort of in the spirit of the Initiative so as far as the major components of it, certainly the scope of work...because I've thought about this...would pretty much remain the same. I don't think there would be any

changes to the scope of work at all. The consent decree, the legal document, just the references to what's 70.105B, which is the current law to whatever the Initiative will be...the code number that it will receive from...maybe it will be 70.105C, I don't know. Another point that you brought up as far as the Covenants not to sue - I mean this is...and you mentioned...this is a legal document between the state, the federal government and KeyTronics and Spokane County, for the cleanup. It has nothing to do in binding terms to the citizens of what they have to do or cannot do. The consent decree is a document that really cannot be used in other legal proceedings, so you can't take this decree and go to your attorney and say well, hey, it says in here there's these facts therefore it's true and that you just go to the judge and say well hey, it's already in here. This is a document that can't be used in other legal proceedings. If there are any continuing third party lawsuits or whatever, those will continue...so it's really just the liability between the state and the federal government and the settling parties - not between the citizen's so if you have some lawsuit that you'd like to bring or complain or concern, you certainly have that right to go directly to the County...to them.

Tape 3 - Side 2

MS. SCHMIDT: Is there anyone else who would like to make a comment? Seeing none at this time, I will close the public hearing the on the Consent Decree for the Colbert Landfill. I'd like to thank all of you for

coming tonight and remind you that the formal comment period to the Department of Justice ends February 13th. The public comment is extended by the Department of Ecology until February 17th. The addresses that you need to write to are on the front of your Agenda. And again, that you all for coming.

Meeting concluded at 9:51 p.m.



12.4

## **COLBERT LANDFILL CLEANUP PROJECT PROGRESS SUMMARY**

Spokane County, the U.S. Environmental Protection Agency (EPA), and the Washington Department of Ecology would like to express our thanks to the Colbert community for your support and cooperation during the past year of cleanup activities. We recognize the cleanup activities are sometimes an inconvenience, but your cooperation has helped keep the project on schedule. Spokane County will continue to work closely with area residents and will make every effort to minimize the impact of cleanup activities.

The Colbert Landfill Cleanup Project is divided into two phases. Phase I activities will provide the information necessary to design and build the final (Phase II) cleanup system. Construction of Phase I was started in August 1989 and will be completed by about October 1990.

Phase I operation will start in October 1990 and will be completed by about February of 1991. Phase II design will be initiated after the Phase I activities are completed, and is expected to be finished by January 1993. Phase II construction is scheduled to start in January 1993.

### **PHASE I ACTIVITIES COMPLETED TO DATE INCLUDE:**

#### **Aquifer verification study:**

- Well depth determination for 9 domestic wells
- Well elevation survey for 13 domestic wells
- Water level survey for 20 domestic wells

#### **Construction:**

- 30 monitoring wells at 19 locations
- 4 pilot extraction wells

### **PHASE I ACTIVITIES YET TO BE COMPLETED INCLUDE:**

#### **Construction: (To be completed by October 1990)**

- 2 pilot treatment facilities
- Approximately 8500 feet of ground water pipeline

#### **Operation: (Starts October 1990)**

- Pumping tests for 4 pilot extraction wells
- Treatability studies for the pilot treatment system during the pumping tests
- Air monitoring of the pilot treatment system emissions

### **PHASE II ACTIVITIES WILL INCLUDE:**

#### **Design and Construction of final cleanup system: (Begins February 1991)**

- Interception/Extraction systems
- Treatment facilities
- Pipelines and discharge points
- Monitoring wells

#### **Operation and Maintenance of the final cleanup system:**

- Systems monitoring/adjustment
- Cleanup monitoring